1948

File No. O. Essen. Supplies (T.P.)/48.

Legal **DEPARTMENT**

A **BRANCH**

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23/5

Subject:— O. Essen. Supplies (T. P.)

Opinion under the Essential Supplies (T. P.) Act, 1946.

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Std. Sectt. Slip 24 B e.

112-A

C O N T E N T S.

Legal Department File No. 1 C. Essen. Supplies (T.P.)

1948

Sr. No.	Compilation No.	Subject.	pages.
	C. Essen. Supplies T.P./48	Supplies opinions under the Essential Supplies (T.P.) Act 1946	
1.	E.D.No. 260 15/1/48	Sec. 3. Permission to hold dance and to sell cakes and candy.	1 - 8.
	Dy.No.692 20/1/48		

K.V.C./19-8

SC.

R.I.No. 560 dt. 15-1-48.

Submitted.

2. Please see C.S.D. note at p. 3 ante. Mrs. H.E. Lorens wants permission to hold a dance to be held at the Taj and the sell American cakes and candies made in Bombay at a table outside the ball room. The cakes and candies will be placed in boxes as sold, set aside and not given to purchaser until he goes home. About 100 women and guest will take part in the dance, the entrance ticket for which is Rs. 10/-. The Supply Commr. is of the view that obviously the dance is being organised for a charitable purpose and the collection will go to a number of Indian charities and the sale of cakes and candy in the manner indicated cannot be regarded as part of the function, namely, the dance.

3. R.L.A's opinion No. 374, dated 13-1-47 will not apply in this case as the proposed dance would be an entertainment or function within the meaning of C.S.D. notification No. 390/F.A.C./VI, dated 24-1-47. It is true that the proceeds received from sale of cakes and candy would be donated towards charity and apparently it is not an integral part of the main function i.e. the dance. But it is not the proceeds from sale of cakes and candy alone that are to be donated but the total proceeds. Therefore even this sale would be part of the mainfunction. In any case such sale will be arranged by the organisers of the dance and though guests will not be served at a table the eatables would be distributed for consumption. Consequently sale of cakes and candy at the dance would be hit by the C.S.D. notification No. 390/F.A.C./VI, dated the 24th Jan. 1947 (cf. R.L.A's No. 1136, dt. 28-11-47). The view taken by the Supply Commr. in his note dated 13-1-1948 at p. 4 ante does not appear to be correct.

The order of the Civil Supplies Dept. 36/- P.S.MADKARNI. 16/1 P.T.O.

No. 390 (F.A.C./VI), dated 24-1-1947 prohibits a person or body of persons at or in connection with one or more parties from serving, distributing or providing for consumption any food grains etc. to twentyfive or more persons. Read as a whole the order appears to contemplate service, distribution of providing for consumption at any one or more parties. If this interpretation is correct, the sale of eatables in the present case would not be hit by the order, since they are to be sold outside the ball room to guests for consumption at home.

Assuming that the order covers the provision of eatables even at home, which does not appear to be the intention, it appears that the sale of eatables in the present case is not an integral part of the function, for the guests may or may not choose to purchase the eatables and the sale thereof would be in the nature of sale of article at a stall in an exhibition. Consequently in any case the sale of eatables would not be hit by the order. The view taken by S.C. appears to be correct.

Sd/- R.T.C. 19/1

R.L.A. Reply:-

The view taken by the S.C. that the sale of eatables in the present case is not an integral part of the function is correct. It is presumed that the sale of cakes made out or wheat flour is is otherwise in order.

Sd/- P.M.LAD.
19/1

(Miss) K.V.G./21-8

4C.

Office of the R.L.A.

Permission to hold dance and to sell cakes and candy!

Essential Supplies (Temporary Powers) Act, 1946. sec.

The view taken by the Supply Commissioner that the sale of eatables in the present case is not an integral part of the function is correct. It is presumed that the sales of cakes made out of wheat.flour is otherwise in order.

Sd/- P.M.LAD.
20/1

Remembrancer of Legal Affairs.

;e C.S.D. No. 698, dated the 20th January 19
1948.

(Miss) K.V.G./19-5

4C.